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AMERICAN BAR ASSOCIATION

PRESIDENT OF THE BAR ASSOCIATION
WM. REECE SMITH, JR.
SMITH, ANDERSON, LEVIN
CHICAGO, ILLINOIS 60657
TELEPHONE 312 [illegible]

PLEASE REPLY TO
1800 M STREET, N.W.
WASHINGTON, D.C. 20036

May 29, 1981

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Honorable Alexander Haig
Secretary of State
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

I am writing to you in my capacity as President of the American Bar Association, a private, non-governmental organization of lawyers throughout the United States. Our Association, and its more than 275,000 members, have a very deep interest in the preservation of the Rule of Law in the international community and in the ability of our colleagues in other countries to represent the best interests of their clients without governmental intimidation or harassment. These interests in preserving the Rule of Law and protecting the independence of lawyers are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975 and pursuant to which I write you at this time.

I am writing to express our concern, based on reports we have received, regarding allegations of detention without charge and governmental harassment of defense lawyers in the Republic of Korea who had previously represented political dissidents and who were likely to represent Kim Dae Jung and 23 other political prisoners on trial last year before a military tribunal.

We have been informed, for example, that in July of last year, South Korean military officials detained without charges approximately 20 lawyers who had defended political prisoners prosecuted under former President Park Chung Hee and who were likely to defend Kim Dae Jung and other political dissidents arrested in May 1980. A majority of these lawyers, we have been informed, were members of the Legal Advisory Group of the Korean National Council of Churches, and included Mr. Park Se Kyung, chairman of the Legal Advisory Group, former member of the National Assembly, and lead counsel for Kim Dae Jung in 1976.

We further understand that all of these detained lawyers, representing nearly all the lawyers in South Korea willing to defend political cases,

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were reportedly pressured by government officials not to participate in the defense of Mr. Kim and the 23 other Korean citizens arrested last May. We have been informed that a number of the detained lawyers, including Mr. Lee Ton Myong and Mr. Hong Sung Woo, were subsequently released after they resigned from the National Council of Churches' Legal Advisory Group and reportedly signed letters in which they agreed to suspend the practice of law for a one-year period. The son of Mr. Park, we understand, is still under detention.

The result of this alleged intimidation and detention, we have been informed, was that Mr. Kim and the 23 other political defendants were not represented by counsel until only a few days before the start of their military trial and were therefore unable to prepare an adequate defense.

If these reports are accurate, they would constitute a serious violation of the independence of Korean lawyers to exercise their professional responsibilities without fear of governmental interference and an equally serious violation of the Rule of Law in the international community.

We are, therefore, most anxious to obtain the relevant facts regarding the situation of these South Korean lawyers. We urge you to attempt to find out why the approximately 20 lawyers were detained and whether or not they were forced to suspend the practice of law for a one-year period. If the reports which we have received concerning the reasons for their detention and the conditions of their release are accurate, we would ask that the Korean government be urged to allow them to resume their legal practice and professional responsibilities without further governmental harassment or intimidation.

We trust that you will understand the principled concerns that motivate this inquiry into the status of our South Korean colleagues and we look forward to receiving your response.

As a courtesy to the Korean government I am forwarding a copy of this letter to Ambassador Kim Yong Shik.

Yours sincerely,

Wm. Reece Smith Jr.

Wm. Reece Smith, Jr.
President

WRS:km

cc: Ambassador Kim Yong Shik